

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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VIRGINIA MILLER-RIVERA

**ORDER**

17-CV-603 (LDH) (SMG)

Plaintiff,

-against-

EDDIE JR.'S SPORTS LOUNGE, INC. &  
HUGO GARCIA,

Defendants.

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LASHANN DEARCY HALL, United States District Judge:

On January 2, 2018, United States Magistrate Judge Steven M. Gold issued a report and recommendation (the "Report and Recommendation") (R. & R., ECF No. 18), which recommended that Plaintiff Virginia Miller-Rivera's September 26, 2017 motion for default judgment as to Defendants Eddie Jr.'s Sports Lounge, Inc. and Hugo Garcia be granted and Plaintiff's request for attorneys' fees and costs be denied (*see* Pl.'s Mot. Default J., ECF No. 13). Any written objections to the report and recommendation had to be filed with the Clerk of Court within fourteen (14) days of the date of service of the report; responses to any objections were due fourteen (14) days thereafter. *See* Fed. R. Civ. P. 72(b)(2); 28 U.S.C. § 636(b)(1)(C).

No objections have been filed to the report and recommendation. Where no objections to a report and recommendation have been filed, "the district court need only satisfy itself that there is no clear error on the face of the record." *Estate of Ellington ex rel. Ellington v. Harbrew Imps. Ltd.*, 812 F. Supp. 2d 186, 189 (E.D.N.Y. 2011) (quoting *Urena v. N.Y.*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001)) (internal quotation marks and citations omitted). The Court has reviewed the

Report and Recommendation for clear error and, finding none, hereby adopts the Report and Recommendation as the opinion of this Court.

Accordingly, Plaintiff's motion for default judgment against Defendants Eddie Jr.'s Sports Lounge, Inc. and Hugo Garcia is hereby granted in part, and denied in part. Plaintiff is awarded: (1) \$5,280 in back pay, (2) prejudgment interest at the federal rate from July 15, 2015, until the date final judgment is entered, and (3) \$5,000 in compensatory damages for emotional distress. Plaintiff's application for attorneys' fees and costs is denied. The Clerk of Court is directed to enter judgment.

Dated: July 25, 2018  
Brooklyn, New York

SO ORDERED:

/s/ LDH  
LASHANN DEARCY HALL  
United States District Judge